

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MOMODOU SALLA)	
)	
Petitioner,)	
)	Civil Action
v.)	No. 04CV10611-MLW
)	
JOHN ASHCROFT,)	
)	
Respondent.)	

**RESPONDENT, JOHN ASHCROFT’S MOTION FOR A TWO WEEK EXTENSION
UNTIL SEPTEMBER 10, 2004 TO ANSWER OR OTHERWISE RESPOND TO THE
PETITION**

Respondent, John Ashcroft, hereby moves for a two week extension until September 10, 2004, to answer or otherwise respond to the instant Petition.

The instant Petition involves allegations that the Petitioner is wrongfully in the custody of the Middlesex County Department of Corrections in New Jersey. Specifically, Petitioner complains of a failure of Immigration officials to have completed a “custody review.”

Undersigned counsel has been informed by Jane Minichiello, Associate General Counsel for Immigration and Customs Enforcement in New Jersey (where Petitioner is detained), that a custody review has been undertaken and has recommended the release of the Petitioner. Immigration officials are presently confirming the address provided by petitioner in Rhode Island and anticipate his release upon such confirmation.

The Petitioner’s release would render moot the instant Petition and obviate the need for further briefing by the parties or action by this Court.

As such, the Respondents requests that the instant motion be allowed.

Respectfully submitted,

MICHAEL SULLIVAN
United States Attorney

By: /s/ Mark J. Grady
Mark J. Grady
Assistant U.S. Attorney
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CERTIFICATE UNDER L.R. 7.1

The respondent takes the position that L.R. 7.1 requires “counsel” to confer and is not applicable where, as here, the opposing party is *pro se*. Alternatively, because Petitioner is a currently incarcerated in a state correctional facility in New Jersey, counsel for the Respondent respectfully requests leave to file this Motion without a 7.1 conference.

/s/ Mark J. Grady
Mark J. Grady
Assistant United States Attorney

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this 27th day of August, 2004 service of the foregoing Motion has been made upon the Petitioner Momodou Salla, Middlesex County Jail, PO Box 266, New Brunswick, NJ 08903 by depositing a copy in the United States mail, postage prepaid.

/s/ Mark J. Grady
Mark J. Grady
Assistant United States Attorney